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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,563	10/30/2003	Makoto Koike	62807-146	5912
20277 7590 11/25/2008 MCDERMOTT WILL & EMERY LLP 600 13TH STREET, N.W. WASHINGTON, DC 20005-3096			EXAMINER CHANG, JULIAN	
			ART UNIT 2452	PAPER NUMBER
			MAIL DATE 11/25/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/696,563	Applicant(s) KOIKE ET AL.	
	Examiner JULIAN CHANG	Art Unit 2452	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 5,6,8,10 and 15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,7,9 and 11-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>02/17/04-09/04/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office action is responsive to communication filed on 07/02/08. Claims 1-15 are pending. Claims 5, 6, 8, 10, and 15 are withdrawn from further consideration as being drawn to a nonelected invention. Claims 1-4, 7, 9 and 11-14 have been examined.

Election/Restrictions

2. Applicant's election without traverse of claims 1-4, 7, 9 and 11-14 in the reply filed on 07/02/08 is acknowledged.

3. Claims 5, 6, 8, 10 and 15 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 07/02/08.

Information Disclosure Statement

4. The information disclosure statement filed 09/04/08 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-2, 7, 9, 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,729,689 ("Allard"), and further in view of U.S. Pat. No. 6,427,170 ("Sitaraman").

Regarding claims 1, 7, 9 and 11, Allard teaches a method, a system implementing said method, and computer programs implementing said method and said system, said method comprising:

accepting a name information retrieval request from a second node (Fig. 12, Step 270);

sending said name information retrieval request to a third node (Fig. 12, Step 286) designated by a system definition ('one particular designated naming services', Col. 16, lines 4-15), acquiring name information from said third node (Fig. 12, Step 288) and storing said name information in a first cache (Fig. 12, Step 290); and

retrieving name information based on said retrieval request from said first cache, and sending said name information to said second node (Fig. 12, Step 274).

Allard fails to teach retrieving name information based on retrieval request from a second cache as well as a first cache. Sitaraman teaches a DNS server that includes a

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first and a second cache (Fig. 3). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to retrieve naming information from a first and a second cache as taught by Sitaraman in order to increase redundancy.

Regarding claims 2 and 12, Allard-Sitaraman teaches the invention substantially as claimed and described in claims 1 and 11 above, including sending name information retrieval request to other nodes belonging to a class to which the first node belongs (Allard: Fig. 10, request is sent from Network Naming Proxy Agent 204 to Network Naming Proxy Agent 206), and to a specific node belonging to a class different from the class to which the first node belongs (Allard: Fig. 10, the request is subsequently sent to Naming Service A 212 or Naming Service B 214), so that said name information retrieval request is sent to predetermined classes in a distributed processing system.

7. Claims 3 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allard-Sitaraman as applied to claims 1 and 11 above, and further in view of U.S. 2002/0010798 ("BenShaul").

8. Regarding claims 3 and 13, Allard-Sitaraman teaches the invention substantially as claimed and described in claims 1 and 11 above, but fails to teach that when interruption of a service identified by said sent name information is detected and a request to delete said name information is sent, name information of nodes designated

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by the system definition are examined and name information corresponding to the examined name information is updated on said second cache or said first cache.

BenShaul teaches a name server that allows trusted hosts to modify naming information in its local cache when the mapped domain becomes unreachable (para. [0373]). These modifications include replacement of data, removal of data, or refreshing the TTL of existing data (Id). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify naming information stored in a cache in response to a delete request as taught by BenShaul in order to invalidate inaccurate information stored in the cache prior to the expiration of such information.

9. Claims 4 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allard-Sitaraman-BenShaul as applied to claims 3 and 13 above, and further in view of U.S. Pat. No. 6,754,622 ("Beser").

10. Regarding claims 4 and 14, Allard-Sitaraman-BenShaul teaches the invention substantially as claimed and described in claims 3 and 13 above, but fails to teach that data is sent to a node having said detected interruption of a service to inquire whether said node is operative or not, so that name information of said service is deleted in accordance with whether a reply is received from said node or not.

Beser teaches performing reachability testing using a PING utility, and deleting an address from a network address table (i.e., cache) when the PING utility outputs a timeout message (i.e., no response is received) (Col. 34, lines 22-33). It would have

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been obvious to one of ordinary skill in the art at the time of applicant's invention to employ a PING utility to determine the reachability of a node prior to purging an entry as taught by Beser in order to not purge entries of nodes that are reachable.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. U.S. Pub. No. 20040139151
- b. U.S. Pub. No. 20030167257

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JULIAN CHANG whose telephone number is (571)272-8631. The examiner can normally be reached on Monday thru Friday 9AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. C./
Examiner, Art Unit 2452

/Kenny S Lin/
Primary Examiner, Art Unit 2452